

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:06cv00142-WHA-DRB
)	
ALAN M. PATTERSON, JR.,)	
)	
Defendant)	

MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves the Court to dismiss the complaint heretofore filed in this case on February 16, 2006, without prejudice, on the ground that the agency has requested this case be returned to them for further investigation.

1. On or about March 10, 2006, counsel for the United States received correspondence from the defendant that demonstrated an inability to repay the loans upon which the debt outlined in the complaint is based. On April 3, 2006, a letter was sent to the defendant (Attachment 1) which referenced the Court's March 28, 2006 order and proposed the entry of a Consent Judgment and an invitation for the defendant to suggest a repayment proposal.

2. Subsequent to the April 3, 2006 letter, agency counsel has proposed that this matter be dismissed without prejudice so that further review of the matter can be conducted in light of all the circumstances now known to it. Being filed contemporaneously herewith is a proposed Order to that effect.

Respectfully submitted this 4th day of May, 2006

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United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I further certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant:

Alan M. Patterson, Jr.
1263 Westgate Parkway
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s/R. Randolph Neeley
Assistant United States Attorney